

NOT FOR PUBLICATION

(Doc. No. 15)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

Michael GRACE, <i>on behalf of himself</i>	:	
<i>and all others similarly situated,</i>	:	
	:	
Plaintiff,	:	Civil No. 14-7233 (RBK/AMD)
	:	
v.	:	ORDER
	:	
T.G.I. FRIDAYS, INC., et al.,	:	
	:	
Defendants.	:	
	:	

KUGLER, United States District Judge:

THIS MATTER having come before the Court on the motions of Defendants T.G.I. Fridays, Inc. (“TGIF”), Sentinel Capital Partners, LLC (“Sentinel”), and Tri-Artisan Capital Partners, LLC (improperly pled as TriArtisan Capital Partners) (“Tri-Artisan”) to strike Plaintiff Michael Grace’s Amended Complaint and to dismiss the Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(2), 12(b)(5), and 12(b)(6), and the Court having considered the moving papers, and for the reasons expressed in the Opinion issued this date;

IT IS HEREBY ORDERED that Defendants’ motion to strike the Amended Complaint (Doc. No. 13) is **DENIED**. The Amended Complaint is the operative complaint for this matter.

IT IS HEREBY FURTHER ORDERED that Sentinel and Tri-Artisan’s motions to dismiss Plaintiff’s Amended Complaint for lack of personal jurisdiction are **GRANTED**.

IT IS HEREBY FURTHER ORDERED that Sentinel and Tri-Artisan’s motions to dismiss Plaintiff’s Amended Complaint for insufficient service of process are **GRANTED**.

IT IS HEREBY FURTHER ORDERED that Plaintiff's claims against Sentinel and Tri-Artisan are **DISMISSED WITHOUT PREJUDICE**. Plaintiff shall have fourteen (14) days to file a motion to amend in accordance with the Court's Opinion. This Court shall not grant any motion to amend Plaintiff's claims as to Sentinel and Tri-Artisan unless or until Plaintiff presents evidence that he effectuated proper service of process upon Sentinel and Tri-Artisan.

THE COURT NOTING that Plaintiff has failed to establish his standing to bring claims for breach of contract and unjust enrichment. This Court must "satisfy itself as to the existence of its power to hear the case." *Mortensen v. First Federal Savings and Loan Ass'n*, 549 F.2d 884, 891 (3d Cir. 1977).

IT IS HEREBY FURTHER ORDERED that the parties engage in jurisdictional discovery limited to the issue of Plaintiff's standing. This case cannot proceed unless and until this Court is satisfied that Plaintiff has standing to bring his claims. Within thirty (30) days of the conclusion of jurisdictional discovery, the parties shall submit supplemental briefing on the standing issue.

IT IS HEREBY FURTHER ORDERED that Defendants' motions to dismiss for failure to state a claim are **DISMISSED WITHOUT PREJUDICE**. Defendants may refile their motions if this Court subsequently finds that it has jurisdiction to hear Plaintiff's claims.

IT IS HEREBY FURTHER ORDERED that Defendants' motion to dismiss Plaintiff's class allegations is **DISMISSED WITHOUT PREJUDICE**. Defendants may refile their motion if this Court subsequently finds that it has jurisdiction to hear Plaintiff's claims.

Dated: 03/14/2016

s/ Robert B. Kugler

ROBERT B. KUGLER

United States District Judge